

# Memorandum

**To:** Region Chiefs  
Assistant Region Chiefs  
Unit Chiefs  
Forest Practice Staff  
All Registered Professional Foresters  
Review Team Agencies

**Date:** March 2, 2005

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**Telephone:**

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**From:** Duane Shintaku, Assistant Deputy Director  
Forest Practice  
Department of Forestry and Fire Protection

**Subject:** Disclosure, evaluation and protection of large old trees

The Board of Forestry and Fire Protection (Board) recognizes the potential biological, cultural, historical and aesthetic value or significance of stands of large old trees, as well as some individual specimens. The Board has asked the California Department of Forestry and Fire Protection (CDF) to provide a guidance letter to inform Registered Professional Foresters (RPFs), CDF personnel and Review Team members of the expectation that potential significant adverse impacts pertaining to large old trees must be adequately disclosed, evaluated and mitigated within the context of the existing Forest Practice Rules (FPRs), California Environmental Quality Act (CEQA) and the California Endangered Species Act (CESA). This memo is written as a reminder that disclosure of potential significant adverse impacts pertaining to large old trees is required, even in those situations involving a single tree or small stand of trees less than 20 acres in size (i.e. does not meet the minimum stand acreage for Late Succession Forest Stands per 14 CCR § 895.1).

***Disclosure in Plans of Potential Impacts to Large Old Trees:***

During Plan preparation, the RPF should identify large old trees and stands of trees having significant or unique characteristics and those activities or operations having the potential to affect such trees, resulting in significant adverse impacts on the environment. If the RPF determines a significant impact is likely to occur, the Plan should include the location and description of the trees and the nature of the impacts, including impacts to associated resource subjects. In conducting an assessment, the RPF must distinguish between individual on-site impacts and cumulative impacts or the interactions of proposed activities that may not be significant when considered alone, with impacts of past and reasonably foreseeable future projects. It seems most appropriate that

specific disclosure information be included in the cumulative impacts section (Technical Rule Addendum #2) or be included as part of the general description of the plan area pursuant to 14 CCR § 1034(jj). The RPFs are expected to submit sufficient information to support their findings, which shall be based upon whether or not a fair argument with substantial evidence<sup>1</sup> can be made that the proposed timber operations may result in a significant adverse impact to the environment. Disclosure may be required even in those settings involving an individual tree or aggregate of trees situated in group(s) smaller than the 20 acre minimum stand size associated with Late Succession Forest Stands.

***Mitigation to avoid significant impacts to large old trees:***

RPFs and Review Team members should consider the range of procedures provided in the FPRs and other mitigation to avoid or substantially lessen significant individual or cumulative adverse effects to the identified large old tree(s) and associated resources. Forest Practice inspectors and CDF review team staff are not expected to spend an inordinate amount of time when there is no indication that significant adverse impact potentials exist, even though large old trees are present in the plan area.

**Forest Practice Rule References:**

The following are examples of rule sections that provide direction for disclosure, evaluation and mitigation of potential significant adverse impacts associated with Plans where large old trees are present:

895.1 Definitions:

- Late Succession Stand
- Decadent and Deformed Trees of Value to Wildlife
- Functioning Nesting Habitat
- Predominant Trees

897 (b)(1)(c) Implementation of the Act Intent

898 Feasibility Alternatives

Technical Rule Addendum No.2 CWE, Biological Resources:

- a. Snags/Den/Nest trees
- b. Down Woody Debris
- f. Late Seral (Mature) Forest Characteristics
- g. Late Seral Habitat Continuity
- h. Special Habitat Elements

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<sup>1</sup> CEQA Guidelines, 14 CCR, Division 6, § 15064(f)(5): *Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*

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**Forest Practice Rule References (continued):**

919.16, 939.16, 959.16 Late Succession Forest Stands

921.3 Silvicultural Methods [Coast, Special Treatment Area]

1034 (m) (1) Contents of Plan

1034 (jj) General Description Information

1038 Exemptions

1051 (a)(15) Modified THPs

1090 NTMPs

1104.1 Conversion exemptions